

Decision 05-09-037 September 22, 2005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Revise
Commission General Order Numbers 95 and 128.

Rulemaking 01-10-001
(Filed October 2, 2001)

**OPINION GRANTING PETITION TO MODIFY
AWARD OF INTERVENOR COMPENSATION**

This decision grants a petition to modify Decision (D.) 05-06-053 filed by intervenor William Adams and awards Adams an additional \$7,717 in compensation for his contribution to D.05-01-030. The additional award corrects a computation error in D.05-06-053.

In D.05-06-053, the Commission awarded Adams \$35,678 for his contribution in this proceeding, a reduction of \$59,505 from the amount he requested. In calculating compensation, the Commission concluded that about half the time that Adams and his associates set forth constituted contributions to the Commission's decision, and it reduced claimed hours by 50%. However, when the decision deducted half the rate for travel and preparation of the compensation request (pursuant to D.98-04-059), it based that calculation on actual hours claimed, rather than 50% of those hours awarded. This resulted in a deduction of \$15,434 from the award, when the correct deduction should have been \$7,717.

Our decision today corrects this error and awards Adams an additional \$7,717, to be paid from the intervenor compensation program fund. The accompanying Request for Compensation of William P. Adams seeking an

additional \$638.19 for time and costs spent preparing the petition for modification is denied. The request for correction could have been made in a brief letter to the Executive Director, with electronic service on parties. (*See* Rule 47(j) of the Rules of Practice and Procedure.) The 29-page filing assembled by Adams was excessive and unnecessary.

Pursuant to Pub. Util. Code § 311(g)(2) and Rule 77.7(f)(6) of the Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Geoffrey F. Brown is the Assigned Commissioner and Glen Walker is the assigned ALJ in this proceeding.

Findings of Fact

1. In D.05-06-053, the Commission awarded Adams \$35,678 for his contribution to this proceeding.
2. Because of a computation error in calculating compensation for travel time and preparation of the compensation request, the award to Adams was \$7,717 less than the amount for which he qualified.
3. Adams, on July 18, 2005, proffered a letter requesting correction of the decision.
4. The Docket Office corrected the letter to revise it in the form of a petition for modification and an additional request for compensation and accepted these documents for filing on July 19, 2005.
5. Adams' time and costs in preparing the request for correction are not compensable as they were excessive and unnecessary.
6. The Appendix to the opinion summarizes today's award.

Conclusions of Law

1. Adams is entitled to an additional \$7,717 in compensation for his significant contributions to D.05-01-030.
2. Adams is not entitled to compensation for excessive time and costs in preparation of his correction request.
3. Today's order should be made effective immediately.

O R D E R

IT IS ORDERED that:

1. Decision (D.) 05-06-053 is modified to reflect an award of compensation to William Adams of \$43,395 instead of \$35,678.
2. The calculations on page 13 of D.05-06-053 are revised to reflect 98.5 hours of travel and preparation time by William Adams (\$5,417.50) and 21.9 hours of preparation time for Connie D. Easterley (\$2,299.50).
3. The petition for modification is granted. The accompanying request for additional compensation is denied.
4. Within 30 days of the effective date of this decision, the award to William Adams of \$7,717 shall be paid from the intervenor compensation program fund, as described in D.00-01-020. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in federal Reserve Statistical Release H.15, beginning June 6, 2005, the 75th day after the filing date of the original request for compensation, and continuing until full payment of \$7,717 is made.

5. The comment period for today's order is waived.
6. Rulemaking 01-10-001 is closed.

This order is effective today.

Dated September 22, 2005, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
SUSAN P. KENNEDY
DIAN M. GRUENEICH
JOHN A. BOHN
Commissioners

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D0509037
Contribution Decision(s):	D0501030
Proceeding(s):	R0110001
Author:	ALJ Walker
Payer(s):	Commission

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
William Adams	3/21/05	\$7,717	\$7,717	No	Correction of Error in D.05-06-053

(END OF APPENDIX)